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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,593	10/15/2003	Louis Holder	Y2108-00123	1757
39290	7590	05/31/2007		
DUANE MORRIS LLP 1667 K. STREET, N.W. SUITE 700 WASHINGTON, DC 20006-1608			EXAMINER JONES, PRENELL P	
			ART UNIT 2616	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

54

<b>Office Action Summary</b>	<b>Application No.</b> 10/684,593	<b>Applicant(s)</b> HOLDER, LOUIS	
	<b>Examiner</b> Prenell P. Jones	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/16/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,6-21 and 23-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 3,6-21 and 23-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 3, 6-21 and 23-57 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

- 2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 6, 16-21, 41-51 and 23-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al (US PAT. 6,731,642) in view of Hellwarth et al (US Pat 4,935,956).

Regarding claim 3, 6-10, 15-17, 23-29, 33, 39, 41, 43, 44, 50 and 56, Borella (US PAT. 6,731,642) (Abstract, col. 3, line 14-44, col. 11, line 48-52) discloses an IP telephony network utilizing network address translation, wherein communication exist between a caller station and callee station and the privacy and security associated with the IP telephony network is enhanced, whereby the architecture includes multiple components, such as, two routers (intermediate points), two gatekeepers and a back end server that work together to set-up a call, (col. 2, line 5-67) an intermediate network, routing calls between a caller station and callee station is accessible via an intermediate network (intermediate point/Internet), router connecting

Art Unit: 2616

edge network to an intermediate network initiates a call in response to a setup message (at least a portion of a message) that includes a callee station number, routing means performs network address translation, intermediate network initiates call response to set-up message originating from callee station, (col. 7, line 23 through col. 8, line 45) in the registration process for both the caller (sender) and callee (destination) an edge network to a router transmits a first registration message, a second registration message and a third registration message (repeatedly sending other messages from destination) over Internet to the intermediate network, cascade of registration messages transmit callee station number (from destination), and responses are sent with respect to registration request of both caller and callee during registration process.

Although Bella is silent on receiving a response to a request within a time-out period and preventing a port from timing-out by repeatedly sending subsequent messages via destination over Internet and timeout period restarts upon arrival at intermediate point of a message from the destination.

In a telephone communication system that monitors/manages data routing of caller information, Hellwarth et al (US Pat 4,935,956) discloses providing public phone service with default conditions (col. 7, line 61 thru col. 8, line 12), wherein soon as a computer receives account/message from customer, the message starts to repeat to a policy access port to prevent the port from timing out (col. 11, line 41-62), and reset/restarts alternatives are utilized, such as watchdog timer which are conditioned for backups (col. 19, line 2-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement receiving a response to a request within a time-out period and preventing time-out by repeatedly sending subsequent messages and restarting timeout at intermediate node as taught by the combined teachings of Yen, Harris and Go with

the teachings of Borella for the purpose of further managing response/queries in call setup as to minimize congestion at a port and to handle failures in the communication of data..

Regarding claims 30, 32, 35, 40-42, 46, 53 and 57, Borella (US PAT. 6,731,642) (Abstract, col. 3, line 14-44, col. 11, line 48-52) discloses an IP telephony network utilizing network address translation, wherein communication exist between a caller station and callee station and the privacy and security associated with the IP telephony network is enhanced, whereby the architecture includes multiple components, such as, two routers (intermediate points), two gatekeepers and a back end server that work together to set-up a call, (col. 2, line 5-67) an intermediate network, routing calls between a caller station and callee station is accessible via an intermediate network (intermediate point/Internet), router connecting edge network to an intermediate network initiates a call in response to a setup message (at least a portion of a message) that includes a callee station number, routing means performs network address translation, intermediate network initiates call response to set-up message originating from callee station, (col. 7, line 23 through col. 8, line 45) in the registration process (conditions are met).

Regarding claims 34, 45 and 52, as indicated above, Borella (US PAT. 6,731,642) (Abstract, col. 3, line 14-44, col. 11, line 48-52) discloses an IP telephony network utilizing network address translation, wherein communication exist between a caller station and callee station and the privacy and security associated with the IP telephony network is enhanced, whereby the architecture includes multiple components, such as, two routers (intermediate points), two gatekeepers and a back end server that work together to set-up a call, (col. 2, line 5-67).

4. Claims 36, 47 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al (US PAT. 6,731,642) in view of Hellwarth et al (US Pat 4,935,956) as applied to claims 10, 17 and 25 above, and further in view of Yan et al (US PG PUB 20050018651).

Regarding claims 36, 47 and 54, as indicated above, the combined teachings of Borella, and Hellwarth discloses processing messages in a routing environment wherein the routers are intermediate nodes, and wherein timeouts are utilized as to minimize congestion and the message starts to repeat to a policy access port to prevent the port from timing out. Although Borella and Hellwarth teach or suggest a addresses assigned by Dynamic Host Computer Protocol, in a communication environment, Yen teaches a communication environment wherein the architecture includes communicating router modules provides network address translation and port translation (paragraph 0024, 0070), MTA includes a routing module whereby the MTA operates as a network address and port translation gateway for a plurality of clients (paragraph 0056), VOIP and SIP (enhanced Internet telephony), confirmation respond received with respect to a time-out period (paragraph 0138, 0148), and utilizing dynamic host configuration protocol in a network address translation network (paragraph 0056).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement a dynamic host configuration protocol as taught by Yen with the combined teachings of Borella and Hellwarth for the purpose of further managing routing data.

Regarding claims 13, 14, 20, 21, 28, 37, 38, 48, 49 and 55 as indicated above, Borella and Hellwarth discloses devices communicating message data in an enhanced IP telephony environment, messages communicated is signaling data (col. 3, line 28 thru col. 4, line 67), and

the message starts to repeat to a policy access port to prevent the port from timing out.

Although, Borella and Hellwarth are silent on session initiated protocol (SIP),

Yen further discloses communicating call signaling messages wherein the messages contain IP frames that are compliant with the SIP protocol (paragraph 0125). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement communicating telephony signaling, as well as SIP protocol as taught by Yen with the combined teachings of Borella and Hellwarth for the purpose of further managing response/queries in call setup.

Regarding claims 12, 19 and 27, as indicated above, Borella and Hellwarth discloses devices communicating message data in an enhanced IP telephony environment, he further discloses that the messages communicated is signaling data (col. 3, line 28 thru col. 4, line 67), and the message starts to repeat to a policy access port to prevent the port from timing out.

Yen further discloses wherein the MTA includes a DHCP server dispenses IP network addresses (paragraph 0055-0059). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a Dynamic Host Computer Protocol (DHCP) that generates network addresses as taught by Yen with the combined teachings of Borella and Hellwarth or the purpose of further managing response/queries in call setup.

5. Claims 36, 47 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al (US PAT. 6,731,642) in view of Hellwarth et al (US Pat 4,935,956) as applied to claims 10, 17 and 25 above, and further in view of Yan et al (US PG PUB 20050018651), and further in view of Harris et al (US PG PUB 20030212795).

Regarding claim 11, 18 and 26, as indicated above, Borella discloses devices communicating message data in an enhanced IP telephony environment, he further discloses that the messages communicated is signaling data (col. 3, line 28 thru col. 4, line 67), Hellwarth discloses providing public phone service with default conditions (col. 7, line 61 thru col. 8, line 12), wherein soon as a computer receives account/message from customer, the message starts to repeat to a policy access port to prevent the port from timing out (col. 11, line 41-62), and reset/restarts alternatives are utilized, such as watchdog timer which are conditioned for backups (col. 19, line 2-37), and Yen discloses a communication environment wherein the architecture includes communicating router modules provides network address translation and port translation (paragraph 0024, 0070), MTA includes a routing module whereby the MTA operates as a network address and port translation gateway for a plurality of clients (paragraph 0056), VOIP and SIP (enhanced Internet telephony), confirmation respond received with respect to a time-out period (paragraph 0138, 0148).

Although the combined teachings of Borella, Hellwarth and Yen fail to teach intermediate point assigns a new network address to at least the end o the time out period, Harris discloses peer-to-peer communications wherein the architecture includes a plurality of client devices communicating, server devices, NAT (network address translator), wherein the NAT device can be a router with associated ports (Fig. 1, paragraph 0015, 0022), NAT devices implements port mapping (timeout), timeouts are prevented by periodically sending messages out (paragraph 0019).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement an intermediate/router assigning network address at the end of timeout as taught by Harris with the combined teachings of Borella, Hellwarth and Yen



Art Unit: 2616

for the purpose of further managing response/queries in call setup as well as minimizing congestion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

May 29, 2007



  
CHI PHAM  
SUPERVISORY PATENT EXAMINER

5/29/07